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Application No. 09/605,695
Amendment dated January 10, 2007

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REMARKS

Applicant amended claims 1, 2, 9, 10, 17, 22, 27, and 29 to further define Applicant's claimed invention. Support for the amendment to independent claims 1, 9, 17, 22, 27, and 29 is found at least on page 2, line 9 to page 3, line 17 and in FIG. 3 of the application. No new matter has been added.

In the Office Action of January 9, 2006 ("Office Action") preceding the August 3, 2006 Notice of Panel Decision, the Examiner made an election/restriction requirement pursuant to 35 U.S.C. § 121. Applicant hereby reaffirms the January 5, 2006 provisional election without traverse to prosecute the invention of Group I, claims 1-23 and 27-31. Applicant preserves the right to file a divisional application to pursue the subject matter of the embodiment of claims 25-26 and 32-37.

In the Office Action, the Examiner rejected claims 1-7, 9-15, 17-20, 22, 23, and 27-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,900 to Ginter ("Ginter") in view of U.S. Patent No. 5,848,396 to Gerace ("Gerace").

Independent claim 1 as now amended recites: "a data reporter for gathering content use information generated by user interaction with said first media object by said at least one user," and "a coding system for correlating the content use information gathered by said data reporter with at least said first media object to create a media object profile."

Independent claim 9 as now amended recites: "a data reporter for gathering content use information generated by interaction with said user requested media object by at least one user," and "a coding system for assigning content use information from said data reporter to at least one of said stored media objects to create a media object profile for at least one of said stored media objects and said user requested media objects."

Independent claim 17 as now amended recites the steps of: "gathering content use information generated by user interaction with said user requested media object by at least one user," and "assigning said content use information to at least said user

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requested media object, each media object having a content portion and a header so that a media object profile is created for each media object."

Independent claim 22 as now amended recites: "a media object profile portion containing content use information gathered from user interaction with said media object portion by a plurality of users."

Independent claim 27 as now amended recites the steps of: "collecting content use information from the viewing of at least one user requested media object by a plurality of users," and "creating at least one Internet link profile based on the correlated information."

Independent claim 29 as now amended recites the steps of "collecting content use information from user interaction with Internet links by a plurality of users;" and "creating at least one Internet link profile based on the correlated information."

Ginter and Gerace, either alone or when properly combined, do not teach or suggest at least the above recitations of independent claims 1, 9, 17, 22, 27, and 29.

The Examiner states that "Ginter discloses advertising, Internet advertising, maximizing advertising revenues, delivering preferred content to a user, and profiling a user." (Office Action, page 22, lines 3-5). Applicant submits that Ginter teaches that "[r]eporting of usage information and user requests can be used for supporting electronic currency, billing, payment and credit related activities, and/or for user profile analysis and/or broader market survey analysis and marketing (consolidated) list generation or other information derived, at least in part, from said usage information." (Ginter, col. 36, lines 28-34; see also Office Action, page 22, lines 18-22). Thus, Ginter teaches profiling a user and analyzing a *user profile* based on user information and user requests. Ginter fails to teach or suggest gathering content use information generated by user interaction with a media object and correlating the gathered content use information with the media object to create a *media object profile* as recited in independent claims 1, 9, 17, and 27. Also, Ginter fails to teach or suggest a media object profile portion containing content use information gathered from user interaction with the media object portion by a plurality of users as recited in independent claim 22,

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or collecting content use information from user interaction with internet links by a plurality of users and creating at least one internet link profile as recited in independent claim 29.

Gerace teaches a computer network method and apparatus that "provides targeting of appropriate audience based on psychographic or behavioral profiles of end users," which are "formed by recording computer activity and viewing habits of the end user." (Gerace, Abstract). Thus, similar to Ginter, Gerace teaches creating a *user profile* based on user information and user requests, and targeting advertisements to the user's profile. Gerace fails to teach or suggest gathering content use information generated by user interaction with a media object and correlating the gathered content use information with the media object to create a *media object profile* as recited in independent claims 1, 9, 17, and 27. Also, Gerace fails to teach or suggest a media object profile portion containing content use information gathered from user interaction with the media object portion by a plurality of users as recited in independent claim 22, or collecting content use information from user interaction with internet links by a plurality of users and creating at least one internet link profile as recited in independent claim 29.

The Examiner states that Gerace "discloses profiles and classifications for content objects (col 3, lines 5-10)." (Office Action, page 24, line 13). In column 3, lines 5-10, Gerace states: "[t]he Sponsor Object categorizes advertisement or other sponsor provided information according to content and presentation, including colors used, size, shape, and whether audio and/or video components are involved." In Gerace, the "Sponsor Objects 33" are "referred to as Sponsor Object 33a, Ad Package Objects 33b, Ad Series Objects 33c, and Ad objects 33d." (Gerace, col. 11, lines 60-63). Gerace teaches:

"For each sponsor (or advertiser), a corresponding Sponsor Object 33a (FIG. 5a) stores in a table (or sponsor directory) the company name, numeric identification unique to that sponsor, user contact information and program 31 administrator information" (col. 11, line 64 – col. 12, line 1):

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"In each Ad Package Object 33b (FIG. 5b) there is indicated the sponsor ID, start and end dates and times, and pricing of the ad packages" (col. 12, lines 8-11);

"An Ad Series Object 33c (FIG. 5c) provides an indication of whether a given advertisement is singly or serially displayed, the category of the information, and the demographic group pre-requested by the sponsor to be shown that advertisement" (col. 12, lines 23-27); and

"For a given advertisement, Ad Object 33d indicates to which series the advertisement belongs . . . Ad Object 33d also includes the starting and ending time for display of the ad each day." (col. 12, lines 42-49).

Thus, the Sponsor Objects of Gerace represent identification, run-time, and format information which are pre-programmed into the advertising content. However, Gerace fails to teach or suggest a media object profile which is created by gathering content use information generated by user interaction with the media object as recited in independent claims 1, 9, 17, and 27. Also, Gerace fails to teach or suggest a media object profile portion containing content use information gathered from user interaction with the media object portion by a plurality of users as recited in independent claim 22, or collecting content use information from user interaction with internet links by a plurality of users and creating at least one internet link profile as recited in independent claim 29.

The Examiner states that Gerace discloses "matching content object profiles relative to characteristics of requested user information" and "delivering advertisements or second media objects ('...return appropriate advertisements...' from col 16, lines 36-55) that are relevant to the first media object that the user has requested." (Office Action, page 24, lines 14-16 and 18-20). Gerace discloses that "Ad Objects 33b, c, d, determine and return appropriate advertisements to be integrated into the screen view/page." (Gerace, col. 16, lines 46-48). Gerace specifically teaches: "[t]o determine

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appropriateness, for each ad placed by a sponsor, the sponsor weights demographic and psychographic criteria by importance and identifies which terms are required. The sponsor then gives a minimum total weight required for a user to see the ad series. The weighted criteria and indications of required terms and minimum total weight are recorded in Ad Series Objects 33c." (Gerace, col. 15, lines 4-10). Thus, Gerace teaches matching advertising content with the *user's demographic and psychographic profile*. Gerace fails to teach or suggest gathering content use information generated by user interaction with a media object and correlating the gathered content use information with the media object to create a *media object profile* as recited in independent claims 1, 9, 17, and 27. Also, Gerace fails to teach or suggest a media object profile portion containing content use information as recited in independent claim 22, or an internet link profile as recited in independent claim 29.

In view of the above amendments and remarks, Applicant submits that the Examiner's rejection of claims 1-7, 9-15, 17-20, 22, and 27-31 under 35 U.S.C. § 103(a) as being unpatentable over Ginter in view of Gerace has been overcome.

Applicant submits that independent claims 1, 9, 17, 22, 27, and 29 are patentable and that dependent claims 2-7, 10-15, 19-20, and 23, dependent from independent claims 1, 9, 17, 22, 27 and 29, respectively, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including

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any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: January 10, 2007

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